



**U S Army Corps  
of Engineers**  
Huntington District

# Public Notice

In reply refer to Public Notice No.

**200500783**

Issuance Date:

**April 19, 2006**

Stream:

**U/T Scioto River**

Closing Date:

**May 19, 2006**

Please address all comments and inquiries to:

U.S. Army Corps of Engineers, Huntington District

ATTN: CELRH-OR-F Public Notice No. (*reference above*)

502 Eighth Street

Huntington, West Virginia 25701-2070

Phone: (304) 399-5210

**PUBLIC NOTICE:** The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

**REGULATORY PROGRAM:** Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

**SECTION 10:** The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

**SECTION 404:** The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

**TO WHOM IT MAY CONCERN:** The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application.

**APPLICANT:** Continental Real Estate  
150 East Broad Street  
Columbus, Ohio 43215

**LOCATION:** The proposed project is located within an unnamed tributary of the Scioto River within a 46.6-acre site southeast of the intersection of Stringtown Road and Buckeye Parkway in Grove City, Franklin County, Ohio.

**DESCRIPTION OF PROPOSED WORK:** The applicant proposes to place fill material in waters of the United States to facilitate the construction of a commercial development consisting of two retail centers, outlots, and associated parking. To facilitate the construction of this development, the applicant proposes to impact 480 linear feet of an unnamed intermittent tributary to the Scioto River. The existing stream enters the site from a culvert beneath Stringtown Road at the north property boundary. The applicant proposes to intercept this stream at this location and divert it through a proposed culvert. This culvert would discharge into the existing stream channel along the eastern property line. Upon completion of the stream relocation, the existing 480-foot stream channel would be filled to accommodate the proposed development. No other streams or wetlands would be impacted from this proposal. Plans of the proposal are attached to this notice.

Mitigation: As mitigation for the proposed stream impacts, the applicant has submitted a conceptual mitigation plan involving a stream reconstruction project within the 46.6-acre boundary. The applicant has indicated a field tile pipe traverses the southern portion of the site. This pipe outlets into an unnamed tributary of the Scioto River east of the site. The applicant proposes to intercept the flow from this field tile and pipe to flow to a ditch along the southern property line. Along the southern property line, the applicant proposes to reconstruct 350 linear feet of stream. The reconstructed stream would then be directed through a proposed 80-foot culvert. This culvert would afford access to the proposed development from Lamplighter Drive. From this culvert, the applicant proposes to reconstruct an additional 550 linear feet of stream using a floodplain excavation technique. A 10-foot wide vegetated buffer would be established along each bank of the 350-ft reconstructed channel. An 80-foot buffer would be established along the reconstructed 550-ft section. These buffers would be protected in perpetuity through a conservation easement.

**WATER QUALITY CERTIFICATION:** A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain certification from the Ohio Environmental Protection Agency.

**HISTORIC & CULTURAL RESOURCES:** The National Register of Historic Places has been consulted and it has been determined there are no properties currently listed on the register that are in the area affected by the project. A Preliminary Phase I Cultural Resources Management Review has been performed by the applicant for a 5-acre portion of the site. Our office is currently reviewing this survey. A copy of this public notice and a copy of the Phase I Cultural Resources Investigation Report will be furnished to the State Historic Preservation Office for their review. Comments concerning archaeological sensitivity of the project area should be based on collected data.

**THREATENED & ENDANGERED SPECIES:** This project is located within the known or historic range of Indiana bat (endangered), Scioto madtom (endangered), northern riffleshell

mussel (endangered), clubshell mussel (endangered), and rayed bean mussel (proposed candidate species).

To determine if the proposed project would have any affect on threatened or endangered species, the applicant has consulted the United States Fish and Wildlife Service (USFWS). Through email dated October 11, 2005, the USFWS provided recommendations regarding the removal of potential Indiana bat habitat. Provided these recommendations are implemented, this office has determined the proposed project will have no adverse affect on this species. Due to the nature and location of the project, this office has further determined there would be no affect on the Scioto madtom, northern riffleshell mussel, clubshell mussel, and rayed bean mussel.

This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

**PUBLIC INTEREST:** Any person who has an interest, which may be adversely affected by the issuance of a permit, may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal.

To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**CLOSE OF COMMENT PERIOD:** All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. Persons wishing to submit comments, objections or requests for public hearings concerning the Corps of Engineers permit should write:

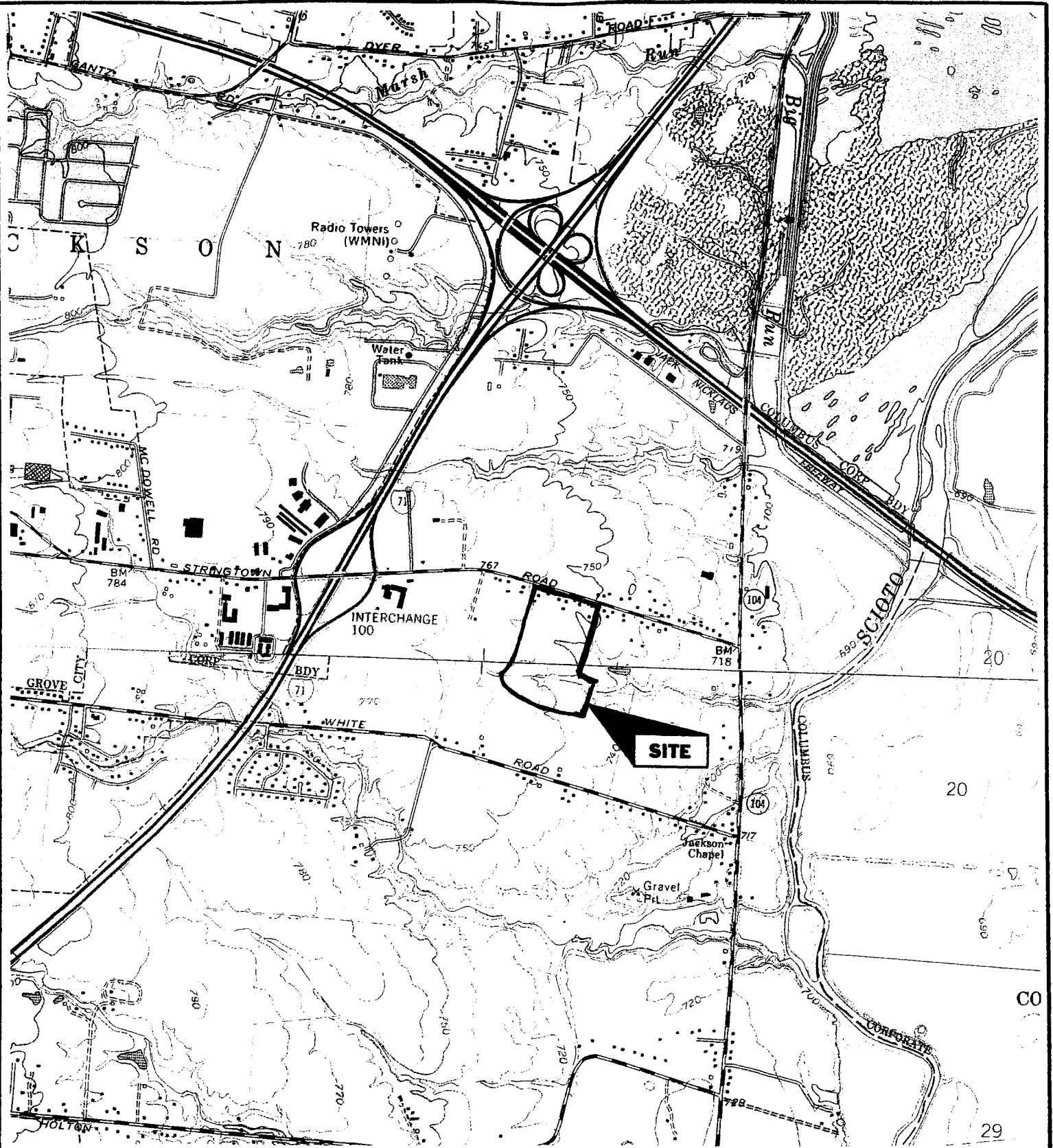
U.S. Army Corps of Engineers  
ATTN: CELRH-OR-F Public Notice No. 200500783  
502 8<sup>th</sup> Street  
Huntington, West Virginia 25701-2070

Please note, the names and addresses of those who submit comments in response to this public notice become part of our administrative record and, as such, are available to the public under provisions of the Freedom of Information Act.

Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please call Ms. Susan A. Fields of my staff at 304-399-5210.

(O)

  
Ginger Mullins  
Chief, Regulatory Branch



**Civil & Environmental Consultants, Inc.**

Columbus, OH 43240

(614) 540-6633 1-888 598-6808

Cincinnati, OH Columbus, OH Indianapolis, IN Nashville, TN Chicago, IL St. Louis, MO

**Drawn By: JCD**

**Scale 1" = 2,000'**

**Date: 5/24/05**

**Site Location Map  
Buckeye Parkway Site  
Grove City, Ohio**

Parkway Centre East  
200500783 - U/T Scioto River  
Franklin County, Ohio  
Location Map, Sheet 1 of 3

OWNER/DEVELOPER:

**CONTINENTAL REAL ESTATE COMPANIES**  
150 E. Broad Street Columbus, Ohio 43215  
614.221.1800 Office 221.6365 Fax

CITY OF GROVE CITY, OHIO

**DEVELOPMENT PLAN  
FOR  
PARKWAY CENTRE EAST  
PREFERRED ALTERNATIVE**

PLAN PREPARED BY:

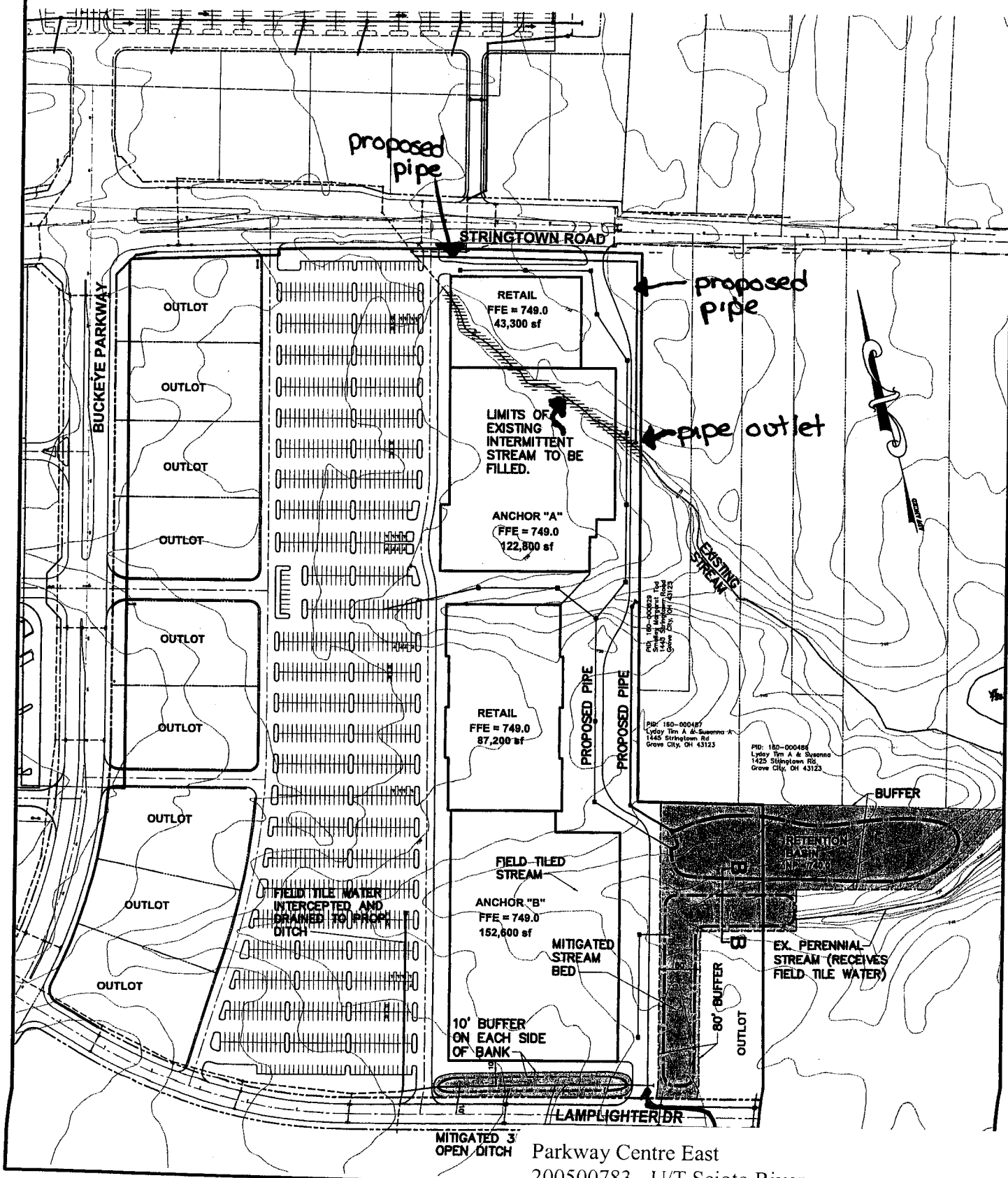
**ADVANCED  
CIVIL DESIGN  
ENGINEERS SURVEYORS**

4605 Morse Road  
Suite 101  
Columbus, Ohio 43230  
ph 614.428.7780  
fax 614.428.7785

SCALE: NOT TO SCALE

DATE: FEB 27, 2006  
REV: MAR 14, 2006

SHEET



Parkway Centre East  
200500783 - U/T Scioto River  
Franklin County, Ohio  
Plan View, Sheet 2 of 3

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CITY OF GROVE CITY, OHIO  
DEVELOPMENT PLAN

**FOR  
PARKWAY CENTRE EAST  
PREFERRED ALTERNATIVE  
MITIGATION DETAIL**

PLAN PREPARED BY:

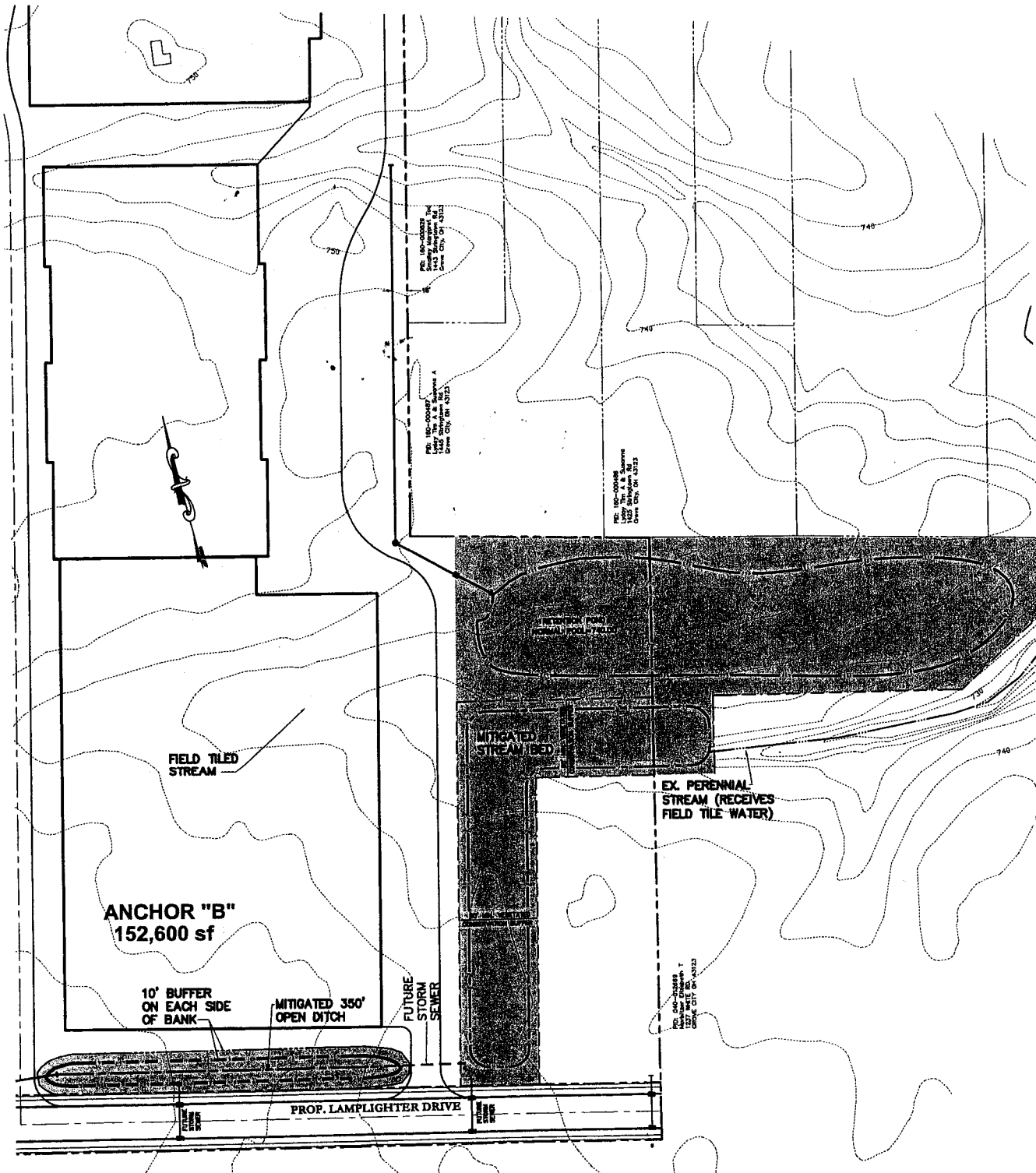
**ADVANCED  
CIVIL DESIGN**  
ENGINEERS SURVEYORS

4805 Morse Road  
Suite 101  
Columbus, Ohio 43230  
ph 614.488.7750  
fax 614.428.7755

SCALE: 1"=150'

DATE: FEB 27, 2006

SHEET



Parkway Centre East  
200500783 - U/T Scioto River  
Franklin County, Ohio  
Stream Mitigation Plan View, Sheet 3 of 3